

**AMENDED AND RESTATED SEPTEMBER 26, 2001
EAST WINDSOR WATER POLLUTION CONTROL AUTHORITY
REGULATIONS FOR CALCULATION AND IMPOSITION OF FACILITY
CONNECTION CHARGE FOR CONNECTIONS TO THE PUBLIC SEWER SYSTEM
OF THE TOWN OF EAST WINDSOR**

1. **Authority.** Pursuant to the authority of Chapter 103 of the Connecticut General Statutes, Revision of 1958, as amended and in accordance with the ordinances of the Town of East Windsor, the East Windsor Water Pollution Control Authority hereby adopts a facility connection charge and regulations for the imposition of that charge for all connections to the East Windsor public sewer system

2. **Effective Date and Imposition of Charge.**

2.1. **New Connections** The facility connection charge shall apply to all persons and property owners who, on or after January 12, 1993, connect to the public sewer system of the Town of East Windsor; except for those persons and property owners who qualify for an exemption under Article 6.

2.2. **Change of Use.** The facility connection charge shall also apply to any person or property owner changing an existing use of property on or after January 12, 1993 so that a permit is required under the Town of East Windsor building and zoning regulations.

3. **Definitions.**

3.1. **Dwelling Unit** : A dwelling for one family only, either in a portion of a building occupied by two or more families, or in a single detached dwelling.

3.2. **Equivalent Dwelling Unit ("EDU")** : the estimated average discharge, by volume, of a dwelling unit into the public sewer system of the Town of East Windsor. The estimated average discharge per day of a dwelling unit is 192 gallons per day ("GPD").

3.3. **Estimated Facility Connection Charge** : For all applications for connections to the public sewer system other than for dwelling units, the applicant shall be charged a facility connection charge based upon the applicant's estimated daily discharge (in gallons) into the public sewer system.

3.4. **Facility Connection Charge ("FCC")** : The dollar amount to be charged to a property owner and/or applicant for connection to the public sewer system. The facility connection charge shall be determined by multiplying the facility connection charge for one dwelling unit times the number of EDU's estimated in gallons which will be discharged by the facility being connected to the public sewer system.

3.5. **Unit Rate** : The facility connection per EDU shall be the sum of Four Thousand Nine Hundred Ninety Four and 00/100ths (\$4,994.00) Dollars.

4. **Calculation of Facility Connection Charges.**

4.1. **Facilities which are Dwelling Units** : All dwelling units shall be charged one (1) EDU per dwelling unit.

4.2. **Facilities Other Than Dwelling Units** : All persons or property owners connecting to the public sewer system shall be charged one (1) EDU for every 192 gallons per day of actual or estimated discharge into the public sewer system (rounded to the next higher or lower EDU by the rule of halves).

(a) (i) At time of application for a permit to connect to the public sewer system under Section 2.1, the applicant shall submit, in writing, his or her good faith estimate of the gallons per day (on an annualized basis) that will be discharged by the proposed facility into the public sewer system. The Water Pollution Control Authority shall be the final authority for the calculation of such estimated annualized volume and the appropriate number of EDU's to be charged for that facility. The Water Pollution Control Authority may require that the applicant submit such data and information as the Water Pollution Control Authority may reasonably require in order to estimate the volume of discharge. After review of the application at a public hearing, the Water Pollution Control Authority shall determine the estimated volume of discharge to be generated by applicant's facility and shall impose a FCC

pursuant to these regulations. The decision of the Water Pollution Control Authority as to such volume and charge, however, shall be subject to further review as set forth in these regulations.

(a) (ii) At time of a change of use of any property which change of use requires a permit under Section 2.2, or at time of initial review of a permit issued under Section (a) (i) above, the applicant shall submit: (1) a written statement as to the average number of gallons per day discharged into the public sewer system over the three complete calendar years proceeding the date of the change of use or review, (2) water consumption records from the Connecticut Water Company, (3) such other information as the Water Pollution Control Authority may require in order to complete the Authority's review. The Water Pollution Control Authority shall be the final Authority for the calculation of the number of EDU's to be charged for the use.

The Water Pollution Control Authority may require the property owner to submit such additional data and information as the Water Pollution Control Authority deems reasonably necessary in order to calculate the historic volume of discharge and the projected discharge

After public hearing, the Water Pollution Control Authority shall determine the volume of the discharge generated by applicant's facility and shall calculate an FCC pursuant to these regulations.

(b) In the event of a dispute or disagreement by the applicant as to the Water Pollution Control Authority's findings as to the volume of discharge and the number of EDU's to be charged to the applicant, the applicant may request (or, at any time, on its own initiative, the East Windsor Water Pollution Control Authority may require) that a flow meter or other appropriate form of metering be installed at the point of connection of the applicant's facility to the public sewer system so as to monitor the actual volume of waste being discharged into the public sewer system. The volume of such discharge into the public sewer system shall be measured and flows calculated on not less than an annualized basis for a period not to exceed three years. If the metering is requested by the applicant, the cost of such metering shall be paid by the applicant. If the metering is initiated by the Water Pollution Control Authority, then, the Water Pollution Control Authority shall pay for the cost of such metering, provided, however, that, if as a result of such metering, the Water Pollution Control Authority determines that the applicant understated its estimated volume so that the FCC charge was undercharged by more than one EDU, the Water Pollution Control Authority shall add the cost of such metering as an additional charge to the applicant.

(c). At the end of the three year monitoring period, the FCC shall be recalculated based upon the actual average annual volume of discharge during the three year review period. If the actual average volume exceeds the original estimate, the applicant shall be charged the additional EDU's for such excess. If the actual average volume is less than the original estimate, the applicant shall be entitled to a refund of any excess payment. If the applicant has elected to make payment under the installment payment plan referenced in Section 4.3(b) then such refund shall be credited against any remaining payments otherwise due the Town. If, after applying such offset, a refund is still due applicant, then, at the option of the Town, said sum may either be refunded to applicant in full in the next fiscal year of the Town or, may be paid in three equal annual installments together with interest at two percent (2%), the first payment being due in the fiscal year next succeeding the date of the calculation of the refund.

4.3. Time of Payment of Facility Connection Charge .

(a) At time of application for a permit as required by the East Windsor building and zoning Regulations the applicant shall also apply for a discharge permit into the East Windsor sewer system. The estimated facility charge shall be calculated and payment of that amount as determined by the Water Pollution Control Authority shall be paid in full prior to connection to the public sewer system. If payment is not made in full, then applicant shall be on the installment payment plan.

(b) Installment Payment Plan. At least fifty percent (50%) of the FCC due under these regulations shall be paid prior to the connection to the public sewer system. The remaining balance, not to exceed fifty percent (50%), shall be paid in seven (7) equal annual installments together with interest at 2% per annum on the unpaid balance, with the first such annual payment being due on September 1st of the Town's fiscal year next following the date the FCC first came due.

(c) If the FCC is paid in installments under this section, a certificate of notice of installment payments of the facility connection charge shall be recorded by the East Windsor Water Pollution Control Authority on the East Windsor Land Records under the names of the then record title holders of the real estate on which the facility was located.

Failure to record such lien, however shall not bar or prevent the Town from seeking collection of any facility connection charges due from subsequent owners or occupiers of the real estate upon which the facility was located.

(d) The installment payment plan shall further provide that the annual payments of principal together with accrued interest at two percent (2%) per annum shall be due and payable on each succeeding September 1st thereafter. If payment of any of the annual installments plus accrued interest is not paid within 30 days following the due date, then interest on that annual installment which is in arrears shall be due and payable at the interest rate otherwise allowed under the statutes pertaining to the collection of municipal real estate taxes as set forth under section 7-258 of the Connecticut General Statutes. Default in the payment of an annual installment payment shall not, in and of itself, require the application of the default rate of interest to those remaining installments or require acceleration of the time for payment of the remaining balance.

(e) The balance due on any FCC shall be due and payable in full on any sale or transfer, whether voluntary or involuntary of the real estate on which the facility is located.

(F) All facility connection charges shall be the legal obligation of the record owner(s) of the real estate upon which the facility is located at time of issuance of connection to the public sewer system or change in use of the property. In the event an applicant is other than a record title holder, then the legal obligation to pay the connection charge shall be joint and several as to the applicant and the record title holder(s).

5. **Elderly Relief.** Pursuant to the provisions of Section 7-253(a) of the Connecticut General Statutes, all property owners, currently entitled to property tax relief may, at their option, apply for a special payment plan. Such plan shall provide for payments of only the annual interest charge on any deferred payments or the outstanding balance of the principal for the life of the owner. The entire amount of the FCC shall be due and payable upon any transfer of title to the property subject to the FCC or upon the death of the property owner. A special lien shall be placed on any property so benefited.

6. **Exemptions:**

The unit rate for the FCC referenced in paragraph 3.5 above is not, in and of itself, sufficient to amortize the municipal bonds issued by the Town of East Windsor to finance the improvements to the East Windsor sewage treatment plant and its related facilities within the payment schedules for said bonds. A significant portion of the cost for the construction of the sewer treatment plant will be borne by the Town of East Windsor general fund. In recognition of the financial obligations of the Town of East Windsor, therefore, for such direct payment for the construction of the sewer treatment plant, all municipal facilities shall be exempt from the FCC.

7. **Public Hearing.** The East Windsor Water Pollution Control Authority shall conduct a public hearing wherever it is establishing or revising any facility connection charge imposed pursuant to this regulation. Dated at East Windsor, Connecticut this ____ day of October, 2001.

WATER POLLUTION CONTROL AUTHORITY
THE TOWN OF EAST WINDSOR

By: _____
Thomas Davis, Chairman

This is to certify that I have reviewed the above regulations and rules for the imposition of facility connection charges as adopted by the East Windsor Water Pollution Control Authority on ____October, 2001, and in my opinion they are in compliance with the laws of the State of Connecticut and the ordinances of the Town of East Windsor.

Harold R. Cummings
Attorney for East Windsor
Water Pollution Authority